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| 09/651,906 | 08/30/2000 | John Underwood | 730301-2012 | 2345 |

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| EXAMINER |
|---|
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| | **Office Action Summary** | **Application No.** | **Applicant(s)** |
|---|---|---|---|
| | | 09/651,906 | UNDERWOOD ET AL. |
| | | **Examiner** | **Art Unit** | |
| | | KYLE R. STORK | 2178 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>27 April 2009</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-114 and 116-119</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-114 and 116-119</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4.27.09</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

1.    This non-final office action is in response to the RCE and amendment filed 27
April 2009.

2.    Claims 1-114 and 116-119 are pending.  Claims 1, 55-58, 112-114, and 116-119
are independent claims.

### *Claim Rejections - 35 USC § 103*

3.    The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.    This application currently names joint inventors.  In considering patentability of
the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of
the various claims was commonly owned at the time any inventions covered therein
were made absent any evidence to the contrary.  Applicant is advised of the obligation
under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was
not commonly owned at the time a later invention was made in order for the examiner to
consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)
prior art under 35 U.S.C. 103(a).


5.    Claims 1-4, 7, 10, 12, 17, 21, 25, 29, 33, 51-52, 57-61, 64, 67, 69, 74, 78, 82, 86,
90, 108, 111, and 116-119 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Barrera et al. (US 6567800, filed 1 October 1998, hereafter Barrera), and further in

view of Burner et al. (US 6282548, filed 21 June 1997, hereafter Burner), Shachar (US

5923736, filed 2 April 1996) and further in view of Bernardo et al. (US 6304886, filed 19

June 1998, hereafter Bernardo).

      In regard to independent claim 1, Barrera discloses a method of creating a web

site (Barrera Col 6 Lines 8 i.e. retrieving website content through a network), receiving

data entry including selection of an type (Barrera Col 6 Lines 11-13 i.e. receiving a

content search; column 4, line 66- column 7, line 16: Here, the user selects a category);

determining one or more characteristics for each of one or more web site features in

response to the data entry (Barrera Col 6 Lines 15-16 i.e. correlating the website with a

category based upon the framework information); creating a framework of the web site

based upon the one or more determined characteristics for each of the one or more web

site features (Barrera Col 6 Lines 18-19 i.e. receiving  framework information for a

website from a registrant); retrieving web site data in accordance with the created

framework of the web site (Barrera Col 7 Lines 24-26 i.e. retrieved content); creating

one or more pages of the web site based upon the framework of the web site and the

retrieved web site data; and presenting the created web site. (Barrera Col 6 Lines 45-54

web pages and sending the results of the web page content search request form to the

user).

      Further, Berrera discloses creating a website data based on interfaces and

content received from remote sources (column 6, lines 45-54: Here, in order for the

website to be displayed to a user, the website must inherently be created prior to the displaying).

Barrera fails to specifically disclose industry types as a classified type. However, Burner discloses classified type (column 11, line 54- column 12, line 14). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Burner with Barrera, since it would have allowed a user to obtain data based upon user-specified preferences (Burner: column 12, lines 11-15).

Barrera fails to specifically disclose generating one or more interfaces to one or more external components on the one or more pages of the web site and registering the one or more interfaces of the one or more external components. However, Shachar discloses generating one or more interfaces to one or more external components on the one or more pages of the web site and registering the one or more interfaces of the one or more external components (column 3, lines 5-37). Further, Shachar discloses remotely executing an application that may or may not retrieve web site data such that whether content is retrieved is a function of the remotely executed data (column 3, lines 5-37: Here, Shachar discloses a browser, which is remote from the server, and executes to retrieve web site data. Additionally, the browser program interfaces with a document having linked mark-up elements. These linked mark-up elements are external components of a page, and are retrieved in response to the browser remotely executing the mark-up data). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Shachar with Barrera, since it would have allowed a user to remotely control an external device.

Barrera fails to specifically disclose previewing the created one or more pages of a website in a sequence, any changes made on the one or more pages during previewing being automatically propagated through the pages. However, Bernardo discloses previewing the created one or more pages of a website in a sequence, any changes made on the one or more pages during previewing being automatically propagated through the pages (column 9, line 36- column 10, line 9). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Bernardo with Barrera, since it would have allowed a user to incorporate changes into a created website.

In regard to dependent claim 2, Barrera discloses storing the framework of the web site. (Barrera Col 6 Lines 59-60 i.e. content request is stored)

In regard to dependent claim 3, Barrera discloses wherein the retrieving step includes retrieving particular web site data based upon characteristics of a device for accessing the web site. (Barrera Col 7 Lines 24-26 i.e. retrieved content)

In regard to dependent claim 4, Barrera discloses wherein the device is a general-purpose computer. (Barrera Col 3 Line 52 i.e. computer)

In regard to dependent claim 7, Barrera discloses wherein one of the web site features is web site content. (Barrera Col 8 Line 4-15 i.e. category content)

In regard to dependent claim 10, Barrera discloses wherein one of the web site features is website component applications. (Barrera Col 4 Line 4-6 i.e. software application)

In regard to dependent claim 12, Barrera discloses wherein one of the web site features is web site theme. (Barrera Col 1 Lines 57-66 i.e. content of the website)

In regard to dependent claim 17, Barrera discloses wherein the framework of the web site is created from one or more predetermined subsets of characteristic frameworks corresponding to at least one of the one or more determined characteristics. (Barrera Col 4 Line 10-11 i.e. predetermined Col 6 Lines 15-16 i.e. correlating the website with a category based upon the framework information and Col 6 Lines 18-19 i.e. receiving framework information for a website from a registrant)

In regard to dependent claim 21, Barrera discloses wherein the framework of the web site is created from one or more predetermined subsets of characteristic frameworks corresponding to at least a portion of the data entry. (Barrera Col 4 Line 10-11 i.e. predetermined Col 6 Lines 15-16 i.e. correlating the website with a category based upon the framework information Col 6 Lines 18-19 i.e. receiving framework information for a website from a registrant and Col 6 Lines 11-13 i.e. receiving a content search)

In regard to dependent claim 25, Barrera discloses wherein the web site data is retrieved from a predetermined web site data subset corresponding to at least a portion of the framework of the web site. (Barrera Col 4 Line 10-11 i.e. predetermined Col 6 Lines 15-16 i.e. correlating the website with a category based upon the framework information and Col 6 Lines 18-19 i.e. receiving framework information for a website from a registrant)

In regard to dependent claim 29, Barrera discloses wherein the web site data is

retrieved from a predetermined web site data subset corresponding to at least one of

the one or more determined characteristics. (Barrera Col 4 Line 10-11 i.e.

predetermined Col 6 Lines 15-16 i.e. correlating the website with a category based upon

the framework information and Col 6 Lines 18-19 i.e. receiving framework information

for a website from a registrant)

In regard to dependent claim 33, Barrera discloses storing the one or more

determined characteristics. (Barrera Col 6 Lines 59-60 i.e. content request is stored and

Col 6 Lines 18-19 i.e. receiving framework information for a website from a registrant)

In regard to dependent claim 51, Barrera discloses storing the data entry.

(Barrera Col 6 Lines 59-60 i.e. content request is stored and Col 6 Lines 11-13 i.e.

receiving content)

In regard to dependent claim 52, Barrera discloses wherein the data entry

includes one or more user preferences. (Barrera Abstract Lines 4-8 i.e. user selects)

In regard to independent claim 57, Barrera discloses a method of creating a web

site, comprising the steps of: receiving data entry (Barrera Col 6 Lines 11-13 i.e.

receiving a content search); determining one or more characteristics for each of one or

more web site features in response to the data entry (Barrera Col 6 Lines 15-16 i.e.

correlating the website with a category based upon the framework information); creating

a framework of the web site based upon the one or more determined characteristics for

each of the one or more web site features(Barrera Col 6 Lines 18-19 i.e. receiving

framework information for a website from a registrant); retrieving web site data,

including particular web site data in accordance with the created framework of the web

site(Barrera Col 1 Lines 36-38 i.e. finding particular information and Barrera Col 7 Lines

24-26 i.e. retrieved content); creating one or more pages of the web site based upon the

framework of the web site and the retrieved web site data and particular web site data;

and presenting the created web site, wherein the particular web site data is retrieved

based upon characteristics of a device for accessing the web site. (Barrera Col 6 Lines

45-54 web pages and sending the results of the web page content search request form

to the user)

   Barrera fails to specifically disclose industry types as a classified type.  However,

Burner discloses classified type (column 11, line 54- column 12, line 14).  It would have

been obvious to one of ordinary skill in the art at the time of the applicant's invention to

have combined Burner with Barrera, since it would have allowed a user to obtain data

based upon user-specified preferences (Burner: column 12, lines 11-15).

   Barrera fails to specifically disclose generating one or more interfaces to one or

more external components on the one or more pages of the web site and registering the

one or more interfaces of the one or more external components.  However, Shachar

discloses generating one or more interfaces to one or more external components on the

one or more pages of the web site and registering the one or more interfaces of the one

or more external components (column 3, lines 5-37).  Further, Shachar discloses

remotely executing an application that may or may not retrieve web site data such that

whether content is retrieved is a function of the remotely executed data (column 3, lines

5-37: Here, Shachar discloses a browser, which is remote from the server, and

executes to retrieve web site data. Additionally, the browser program interfaces with a document having linked mark-up elements. These linked mark-up elements are external components of a page, and are retrieved in response to the browser remotely executing the mark-up data). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Shachar with Barrera, since it would have allowed a user to remotely control an external device.

Barrera fails to specifically disclose previewing the created one or more pages of a website in a sequence, any changes made on the one or more pages during previewing being automatically propagated through the pages. However, Bernardo discloses previewing the created one or more pages of a website in a sequence, any changes made on the one or more pages during previewing being automatically propagated through the pages (column 9, line 36- column 10, line 9). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Bernardo with Barrera, since it would have allowed a user to incorporate changes into a created website.

In regard to independent claims 58 and 115, claims 58 and 115 in addition to the following reflect the same subject matter claimed in claim 1 and is rejected along the same rationale. Additionally, Barrera discloses a multi-purpose computing device (Barrera Col 3 Line 52 i.e. computer or means).

In regard to dependent claim 59, Barrera discloses a storage device for storing the framework of the web site. (Barrera Col 3 Line 58 Col 6 Lines 59-60 i.e. memory and content request in stored)

In regard to dependent claim 60, claim 60 reflects the same subject matter claimed in claim 3 and is rejected along the same rationale

In regard to dependent claim 61, claim 61 reflects the same subject matter claimed in claim 4 and is rejected along the same rationale

In regard to dependent claim 64, claim 64 reflects the same subject matter claimed in claim 7 and is rejected along the same rationale

In regard to dependent claim 67, claim 67 reflects the same subject matter claimed in claim 10 and is rejected along the same rationale

In regard to dependent claim 69, claim 69 reflects the same subject matter claimed in claim 12 and is rejected along the same rationale

In regard to dependent claim 74, claim 74 reflects the same subject matter claimed in claim 17 and is rejected along the same rationale

In regard to dependent claim 78, claim 78 reflects the same subject matter claimed in claim 21 and is rejected along the same rationale

In regard to dependent claim 82, claim 82 reflects the same subject matter claimed in claim 25 and is rejected along the same rationale

In regard to dependent claim 86, claim 86 reflects the same subject matter claimed in claim 29 and is rejected along the same rationale

In regard to dependent claim 90, claim 90 reflects the same subject matter claimed in claim 33 and is rejected along the same rationale

In regard to dependent claim 108, claim 108 reflects the same subject matter claimed in claim 52 and is rejected along the same rationale

In regard to dependent claim 111, claim 111 reflects the same subject matter claimed in claim 59 and is rejected along the same rationale

In regard to independent claim 116, claim 116 in addition to the following reflects the same subject matter claimed in claim 1 and is rejected along the same rationale. Barrera further discloses computer program instructions (Barrera Col 8 Lines 23-24).

In regard to independent claim 117, claim 117 in addition to the following reflects the same subject matter claimed in claim 1 and is rejected along the same rationale Barrera further discloses a stored framework (Barrera Col 6 Lines 59-60 i.e. content request is stored).

In regard to independent claim 118, claim 118 in addition to the following reflects the same subject matter claimed in claim 1 and is rejected along the same rationale. Barrera further discloses a multi-purpose computing device (Barrera Col 3 Line 52 i.e. computer) and a stored framework (Barrera Col 6 Lines 59-60 i.e. content request is stored).

In regard to independent claim 119, the applicant discloses the limitations substantially similar to those in claim 1.  Barrera further discloses correlating data and selection based upon relevancy (column 4, line 65- column 5, line 16).  Claim 119 is similarly rejected.


6.      Claims 5 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrera, Burner, Shachar, and Bernardo in view of Wecker et al. (herein after Wecker) U.S. Patent No. 6,311,058 B1 filed 6/30/1998

In regard to dependent claim 5, Barrera does not specifically disclose of a wireless device. However, Wecker discloses of a wireless carrier, which can receive web content from a web content provider (Wecker Col 3 Lines 20-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Wecker to Barrera, providing Barrera the benefit of having a wireless carrier, which can receive web content from a web content provider via dial-up or direct internet connection so the user can be mobile while surfing the internet and not be contained to one locations as taught by Wecker Col 3 Lines 20-47.

In regard to dependent claim 62, claim 62 reflects the same subject matter claimed in claim 5 and is rejected along the same rationale

7.    Claims 6, 8-9, 14-16, 18-20, 22-24, 26-28, 30-32, 63, 65-66, 71-73, 75-77, 79-81, 83-85, 87-89, and 114 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrera, Burner, Shachar, and Bernardo and further in view of Wilz, Sr. et al. (herein after Wilz) U.S. Patent No. 6,394,354 B1 filed 6/11/1999

In regard to dependent claim 6, Barrera does not specifically disclose of an input-output device. However, Wilz discloses an Input output port of a client computer (Wilz Col 16 Lines 30-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Wilz to Barrera, providing Barrera the benefit of having an I/O device to store scanned URL information as taught by Wilz Col 16 Lines 28-35.

In regard to dependent claim 8, Barrera does not specifically disclose where of one of the website features is a website layout. However, Wilz discloses of a display layout (Wilz Col 22 Lines 23-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Wilz to Barrera, providing Barrera the benefit of having a display layout or website layout which is important for arranging information as taught by Wilz Col 6-33.

In regard to dependent claim 9, Barrera does not specifically disclose of where of one of the website features is site navigation. However, Wilz discloses of an Internet navigation (Wilz Col 8 Lines 7-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Wilz to Barrera, providing Barrera the benefit of having an Internet navigation device foe automatically access websites list in a website guide as taught by Wilz Col 8 Lines 7-14.

In regard to dependent claim 14, Barrera does not specifically disclose of where of one of the website features is website graphics. However, Wilz discloses of graphics expressed in HTML (Wilz Col 10 Lines 35-38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Wilz to Barrera, providing Barrera the benefit of having graphics for the application software programs as taught by Wilz Col 10 Lines 33-40.

In regard to dependent claim 15, Barrera does not specifically disclose of where of one of the website features is an  image set. However, Wilz discloses of an image (Wilz Col 30 Lines 48-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Wilz to Barrera, providing Barrera the

benefit of having images to enhance the package delivery as taught by Wilz Col 30 Lines 50-51.

In regard to dependent claim 16, Barrera does not specifically disclose where one of the website features is a platform for accessing the website. However, Wilz discloses of a computer client platform (Wilz Col 16 Lines 54-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Wilz to Barrera, providing Barrera the benefit of having a computer client platform to which would connect the scanning device to the data input port as taught by Wilz Col 16 Line 50-55.

In regard to dependent claim 18, Barrera does not specifically disclose of creating the website pseudo-randomly. However, Wilz discloses of a quasi-random information display (Wilz Col 22 Lines 30-33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Wilz to Barrera, providing Barrera the benefit of having quasi-random display for the arranging rows and columns as taught by Wilz Col 22 Lines 29-33.

In regard to dependent claim 19, Barrera does not specifically disclose of creating the website in a non-determined manner. However, Wilz discloses of a quasi-random information display (Wilz Col 22 Lines 30-33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Wilz to Barrera, providing Barrera the benefit of having quasi-random and non-determined so the printed information display blocks will not be arranged in a single column down each

printed sheet, or the printed information will not be arranged in different columns and row as taught by Wilz Col 22 Lines 29-33.

In regard to dependent claim 20, Barrera does not specifically disclose of creating the website randomly. However, Wilz discloses of a random information display (Wilz Col 22 Lines 30-33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Wilz to Barrera, providing Barrera the benefit of having random display so the printed information display blocks will not be arranged in a single column down each printed sheet, or the printed information will not be arranged in different columns and row as taught by Wilz Col 22 Lines 29-33.

In regard to dependent claims 22, 75 and 79, claims 22, 75 and 79 in addition to the following reflect the same subject matter claimed in claim 18 and is rejected along the same rationale

Based on characteristics (Barrera Col 6 Lines 18-19 i.e. receiving framework information for a website from a registrant).

In regard to dependent claims 23, 76 and 80, claims 23, 76 and 80 in addition to the following reflect the same subject matter claimed in claim 19 and is rejected along the same rationale

Based on characteristics (Barrera Col 6 Lines 18-19 i.e. receiving framework information for a website from a registrant).

In regard to dependent claim 24, 77 and 81, claims 24, 77 and 81 in addition to the following reflect the same subject matter claimed in claim 20 and is rejected along the same rationale

Based on characteristics (Barrera Col 6 Lines 18-19 i.e. receiving framework information for a website from a registrant).

In regard to dependent claims 26, 30, 83, and 87, claims 30, 26 and 83 reflect the same subject matter claimed in claim 18 and is rejected along the same rationale

In regard to dependent claims 27, 31, 84, and 88, claims 31, 27 and 84 reflect the same subject matter claimed in claim 19 and is rejected along the same rationale

In regard to dependent claims 28, 32, 85, and 89, claims 32, 28 and 85 reflect the same subject matter claimed in claim 20 and is rejected along the same rationale

In regard to dependent claim 63, claim 63 reflects the same subject matter claimed in claim 6 and is rejected along the same rationale

In regard to dependent claim 65, claim 65 reflects the same subject matter claimed in claim 8 and is rejected along the same rationale

In regard to dependent claim 66, claim 66 reflects the same subject matter claimed in claim 9 and is rejected along the same rationale

In regard to dependent claim 71, claim 71 reflects the same subject matter claimed in claim 14 and is rejected along the same rationale

In regard to dependent claim 72, claim 72 reflects the same subject matter claimed in claim 15 and is rejected along the same rationale

In regard to dependent claim 73, claim 73 reflects the same subject matter claimed in claim 16 and is rejected along the same rationale

In regard to independent claim 114, claim 114 in addition to the following reflects the same subject matter claimed in claim 57 and is rejected along the same rationale

A multi-purpose computing device (Barrera Col 3 Line 52 i.e. computer).


8.      Claims 11, 13, 53, 68, 70 and 109 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Barrera, Burner, Shachar, and Bernardo and further view of Rhoads U.S. Patent No. 6,311,214 B1 filed 6/29/1999.

        In regard to dependent claim 11, Barrera does not specifically disclose of wherein one of the web site features is web site colors. However Rhoads mentions color as an identification clue (Rhoads Col 5 Lines 46-47). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Rhoads to Barrera, providing Barrera the benefit of making color a clue for identification for detail which can distinguish an intended object from other as taught by Rhoads Col 5 Lines 45-54.

        In regard to dependent claim 13, Barrera does not specifically disclose wherein one of the web site features is web site framework. However Rhoads mentions a resulting frame of data (Rhoads Col 6 Lines 35-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Rhoads to Barrera, providing Barrera the benefit of resulting frame of data to extract encoded data as taught by Rhoads Col 6 Line 35-40.

        In regard to dependent claim 53, Barrera does not specifically disclose of wherein the data entry includes one or more user profiles. However Rhoads mentions databases of user profiles (Rhoads Col 13 Lines 58). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Rhoads to

Barrera, providing Barrera the benefit of having user profiles to personalize  responses

in accordance with the profile data as taught by Rhoads Col 13 Lines 55-60.

In regard to dependent claim 68, claim 68 in addition to the following reflects the

same subject matter claimed in claim 11 and is rejected along the same rationale

In regard to dependent claim 70, claim 70 in addition to the following reflects the

same subject matter claimed in claim 13 and is rejected along the same rationale

In regard to dependent claim 109, claim 109 in addition to the following reflects

the same subject matter claimed in claim 53 and is rejected along the same rationale


9.      Claims 34-48, 50, 54, 56, 91-106, 110, and 113 remain rejected under 35 U.S.C.

103(a) as being unpatentable over Barrera, Burner, Shachar, and Bernardo and in

further view of Nakano et al. (herein after Nakano) U.S. Patent No. 6,505,212 B2 filed

2/3/1999.

In regard to dependent claim 34, Barrera discloses characteristics of one of the

web site features (Barrera Col 6 Lines 15-16 i.e. correlating the website with a category

based upon the framework information).

Barrera does not specifically mention modifying one of the characteristics.

However Nakano mentions modifying website content (Nakano Col 6 Lines 12-14). It

would have been obvious to one of ordinary skill in the art at the time the invention was

made to apply Nakano to Barrera, providing Barrera the benefit of modifying web

content to see how their changes fit into the content of the entire website as taught by

Nakano Col 6 Lines 10-14.

Barrera does not specifically mention without changing at least one of the characteristics of at least one other of the web site features. However Nakano mentions making changes to a website without actually posting the changes to the website (Nakano Col 2 Lines 21-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Nakano to Barrera, providing Barrera the benefit of making changes without posting it to the website to allow contributors to access an earlier version of a file as taught by Nakano Col 2 Lines 21-30.

In regard to dependent claim 35, Barrera does not specifically disclose wherein when the one characteristic of the one web site feature is modified, none of the characteristics of the other web site features is thereby modified. However Nakano mentions modifying website content (Nakano Col 6 Lines 12-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Nakano to Barrera, providing Barrera the benefit of modifying web content to see how their changes fit into the content of the entire website as taught by Nakano Col 6 Lines 10-14.

Nakano also mentions making changes to a website without actually posting the changes to the website (Nakano Col 2 Lines 21-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Nakano to Barrera, providing Barrera the benefit of making changes without posting it to the website to allow contributors to access an earlier version of a file as taught by Nakano Col 2 Lines 21-30.

In regard to dependent claim 36, Barrera discloses characteristics of one of the web site features (Barrera Col 6 Lines 15-16 i.e. correlating the website with a category based upon the framework information).

Barrera does not mention wherein the framework of the web site is recreated upon the modification. However Nakano mentions the path of the modified request being complete and it being routed to the web server (Nakano Col 24 Lines 4-6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Nakano to Barrera, providing Barrera the benefit of routing the modified request to the web server so that the modified request can be displayed to the requester as taught by Nakano Col 24 Lines 1-26.

In regard to dependent claim 37, Barrera discloses the step of storing the framework of the web site. (Barrera Col 6 Lines 59-60 i.e. content request is stored)

Barrera does not mention wherein the framework of the web site is recreated. However Nakano mentions the path of the modified request being complete and it being routed to the web server (Nakano Col 24 Lines 4-6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Nakano to Barrera, providing Barrera the benefit of routing the modified request to the web server so that the modified request can be displayed to the requester as taught by Nakano Col 24 Lines 1-26.

In regard to dependent claim 38, Barrera discloses wherein the one characteristic of the one web site feature is in one or more predetermined manners based upon one or more characteristics of one or more of the other web site features. (Barrera Col 4

Line 10-11 i.e. predetermined and Barrera Col 6 Lines 15-16 i.e. correlating the website

with a category based upon the framework information).

Barrera does not mention the characteristics to the website being modified.

However Nakano mentions modifying website content (Nakano Col 6 Lines 12-14). It

would have been obvious to one of ordinary skill in the art at the time the invention was

made to apply Nakano to Barrera, providing Barrera the benefit of modifying web

content to see how their changes fit into the content of the entire website as taught by

Nakano Col 6 Lines 10-14.

In regard to dependent claim 39, Barrera discloses the step of storing the

modified characteristic. (Barrera Col 6 Lines 59-60 i.e. content request is stored)

Barrera does not specifically mention where in characteristic is modified.

However Nakano mentions modifying website content (Nakano Col 6 Lines 12-14). It

would have been obvious to one of ordinary skill in the art at the time the invention was

made to apply Nakano to Barrera, providing Barrera the benefit of modifying web

content to see how their changes fit into the content of the entire website as taught by

Nakano Col 6 Lines 10-14.

In regard to dependent claim 40, Barrera discloses characteristics of one of the

web site features (Barrera Col 6 Lines 15-16 i.e. correlating the website with a category

based upon the framework information).

Barrera does not mention wherein the framework of the web site is recreated

upon the modification. However Nakano mentions the path of the modified request

being complete and it being routed to the web server (Nakano Col 24 Lines 4-6). It

would have been obvious to one of ordinary skill in the art at the time the invention was

made to apply Nakano to Barrera, providing Barrera the benefit of routing the modified

request to the web server so that the modified request can be displayed to the requester

as taught by Nakano Col 24 Lines 1-26.

In regard to dependent claim 41, 94, and 98, claims 41, 94 and 98 reflects the

same subject matter claimed in claim 37 and is rejected along the same rationale

In regard to dependent claims 42, 44, 46, 48, 50, 96, 99, 101, 103, and 105

claims 42, 44, 46, 48, 50, 96, 99, 101, 103, and 105 reflect the same subject matter

claimed in claim 37 and is rejected along the same rationale

In regard to dependent claim 43, Barrera discloses wherein the one characteristic

of the one web site feature is in one or more predetermined manners based upon one

or more characteristics of one or more of the other web site features. (Barrera Col 4

Line 10-11 i.e. predetermined and Barrera Col 6 Lines 15-16 i.e. correlating the website

with a category based upon the framework information).

Barrera does not mention the characteristics to the website being modified.

However Nakano mentions modifying website content (Nakano Col 6 Lines 12-14). It

would have been obvious to one of ordinary skill in the art at the time the invention was

made to apply Nakano to Barrera, providing Barrera the benefit of modifying web

content to see how their changes fit into the content of the entire website as taught by

Nakano Col 6 Lines 10-14.

In regard to dependent claim 45, Barrera discloses wherein the one characteristic

of the one web site feature is in one or more predetermined manners based upon at

least one other characteristic of the web site feature. (Barrera Col 4 Line 10-11 i.e.

predetermined and Barrera Col 6 Lines 15-16 i.e. correlating the website with a

category based upon the framework information).

      Barrera does not mention the characteristics to the website being modified.

However Nakano mentions modifying website content (Nakano Col 6 Lines 12-14). It

would have been obvious to one of ordinary skill in the art at the time the invention was

made to apply Nakano to Barrera, providing Barrera the benefit of modifying web

content to see how their changes fit into the content of the entire website as taught by

Nakano Col 6 Lines 10-14.

      In regard to dependent claim 47, Barrera discloses one of the characteristics of

one of the web site features, wherein at least one of the characteristics of at least one

other web site feature is in accordance with the of the one characteristic of the one web

site feature. (Barrera Col 6 Lines 15-16 i.e. correlating the website with a category

based upon the framework information).

      Barrera does not mention the characteristics to the website being modified.

However Nakano mentions modifying website content (Nakano Col 6 Lines 12-14). It

would have been obvious to one of ordinary skill in the art at the time the invention was

made to apply Nakano to Barrera, providing Barrera the benefit of modifying web

content to see how their changes fit into the content of the entire website as taught by

Nakano Col 6 Lines 10-14.

      In regard to dependent claim 54, Barrera does not specifically wherein the data

entry includes one or more navigation histories. However, Nakano mentions tracking the

history if the contents (Nakano Col 2 Lines 61-53). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to apply Nakano to Barrera,

providing Barrera the benefit of tracking the history which allows the system to easily

compare one file with another file or one directory with other directory and identify

whether they are identical or related as taught by Nakano Col 3 Lines 60-65.

　　　　In regard to independent claim 56, Barrera discloses receiving data entry

(Barrera Col 6 Lines 11-13 i.e. receiving a content search); determining one or more

characteristics for each of one or more web site features in response to the data entry

(Barrera Col 6 Lines 15-16 i.e. correlating the website with a category based upon the

framework information); creating a framework of the web site defining at least one …

between at least two features based upon the one or more determined characteristics

for each of the one or more web site features(Barrera Col 6 Lines 18-19 i.e. receiving

framework information for a website from a registrant); retrieving web site data in

accordance with the created framework of the web site (Barrera Col 7 Lines 24-26 i.e.

retrieved content) pseudo-randomly from a predetermined web site data subset

corresponding to at least a portion of the framework of the web site (Barrera Col 4 Line

10-11 i.e. predetermined Col 6 Lines 15-16 i.e. correlating the website with a category

based upon the framework information and Col 6 Lines 18-19 i.e. receiving framework

information for a website from a registrant); creating one or more pages of the web site

based upon the framework of the web site and the retrieved web site data; and

presenting the created web site. (Barrera Col 6 Lines 45-54 web pages and sending the

results of the web page content search request form to the user).

Barrera fails to specifically disclose industry types as a classified type. However, Burner discloses classified type (column 11, line 54- column 12, line 14). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Burner with Barrera, since it would have allowed a user to obtain data based upon user-specified preferences (Burner: column 12, lines 11-15).

Barrera does not specifically mention an interrelationship between the characteristics. However, Nakano mentions a relationship between different areas (Nakano Col 8 Lines 56-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Nakano to Barrera, providing Barrera the benefit of having a relationship between to areas to represent different creations as taught by Nakano Col 8 Lines 56-60.

In regard to dependent claim 91, claim 91 in addition to the following reflects the same subject matter claimed in claim 34 and is rejected along the same rationale

A multi-purpose computing device (Barrera Col 3 Line 52 i.e. computer).

In regard to dependent claim 92, claim 92 reflects the same subject matter claimed in claim 35 and is rejected along the same rationale

In regard to dependent claim 93, claim 93 reflects the same subject matter claimed in claim 36 and is rejected along the same rationale

In regard to dependent claim 95, claim 95 reflects the same subject matter claimed in claim 38 and is rejected along the same rationale

In regard to dependent claim 97, claim 97 in addition to the following reflects the same subject matter claimed in claim 40 and is rejected along the same rationale

A multi-purpose computing device (Barrera Col 3 Line 52 i.e. computer).

In regard to dependent claim 100, claim 100 in addition to the following reflects the same subject matter claimed in claim 43 and is rejected along the same rationale

A multi-purpose computing device (Barrera Col 3 Line 52 i.e. computer).

In regard to dependent claim 102, claim 102 in addition to the following reflects the same subject matter claimed in claim 45 and is rejected along the same rationale

A multi-purpose computing device (Barrera Col 3 Line 52 i.e. computer).

In regard to dependent claims 49, 104 and 106, claims 49, 104 and 106 in addition to the following reflects the same subject matter claimed in claim 47 and is rejected along the same rationale

A multi-purpose computing device (Barrera Col 3 Line 52 i.e. computer).

In regard to dependent claim 110, claim 110 in addition to the following reflects the same subject matter claimed in claim 54 and is rejected along the same rationale

A multi-purpose computing device (Barrera Col 3 Line 52 i.e. computer).

In regard to independent claim 113, claim 113 in addition to the following reflects the same subject matter claimed in claim 56 and is rejected along the same rationale

A multi-purpose computing device (Barrera Col 3 Line 52 i.e. computer).


10.     Claims 55 and 112 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Barrera, Burner, Shachar, and Bernardo in view of Wilz, and in further view of Nakano.

In regard to independent claim 55, Barrera discloses A method of creating

…information, comprising the steps of: receiving data entry (Barrera Col 6 Lines 11-13

i.e. receiving a content search); determining one or more characteristics for each of one

or more … information features in response to the data entry (Barrera Col 6 Lines 15-16

i.e. correlating the website with a category based upon the framework information);

creating a framework of the … information based upon the one or more determined

characteristics for each of the one or more … information features (Barrera Col 6 Lines

18-19 i.e. receiving  framework information for a website from a registrant); retrieving

multimedia information data in accordance with the created framework of the …

information (Barrera Col 7 Lines 24-26 i.e. retrieved content); creating one or more

elements of the … information based upon the framework of the … information and the

retrieved … information data; and presenting the created …information. (Barrera Col 6

Lines 45-54 web pages and sending the results of the web page content search request

form to the user)

Barrera fails to specifically disclose industry types as a classified type.  However,

Burner discloses classified type (column 11, line 54- column 12, line 14).  It would have

been obvious to one of ordinary skill in the art at the time of the applicant's invention to

have combined Burner with Barrera, since it would have allowed a user to obtain data

based upon user-specified preferences (Burner: column 12, lines 11-15).

Barrera does not specifically mention the information being multimedia

information. However, Nakano mentions applications, which are multimedia (Nakano

Col 24 Lines 48-49). It would have been obvious to one of ordinary skill in the art at the

time the invention was made to apply Nakano to Barrera, providing Barrera the benefit

of website development which can include multimedia as taught by Nakano Col 24

Lines 42-52.

Barrera does not specifically disclose of creating the website pseudo-randomly.

However, Wilz discloses of a quasi-random information display (Wilz Col 22 Lines 30-

33). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to apply Wilz to Barrera, providing Barrera the benefit of having

quasi-random display for the arranging rows and columns as taught by Wilz Col 22

Lines 29-33.

In regard to independent claim 112, claim 112 in addition to the following reflects

the same subject matter claimed in claim 55 and is rejected along the same rationale.


### Response to Arguments

11.     Applicant's arguments with respect to claims 1-114 and 116-119 have been

considered but are moot in view of the new ground(s) of rejection.


### Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to KYLE R. STORK whose telephone number is (571)272-

4130.  The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kyle Stork/

Kyle R Stork
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Art Unit 2178


krs